

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION**

<b>RAY FLAKE, et al.,</b>	)	
	)	
<b>Plaintiffs,</b>	)	
	)	
<b>v.</b>	)	<b>No. 3:07-0925</b>
	)	<b>Judge Haynes</b>
<b>SCHRADER-BRIDGEPORT</b>	)	
<b>INTERNATIONAL, INC. f/k/a SCHRADER</b>	)	
<b>AUTOMOTIVE, INC.; ARVINMERITOR,</b>	)	
<b>INC., et al.,</b>	)	
	)	
<b>Defendants.</b>	)	

---

**AGREED ORDER DISMISSING THE CO-PERSONAL REPRESENTATIVES**

---

On August 23, 2007, Defendant Lewis (misspelled as Louis in the Complaint and in certain of the pleadings) Edward Kilmarx died. After a Suggestion of Death was filed (Docket No. 8), the Plaintiffs substituted Robert John Kilmarx, Co-Personal Representative of the Estate of Lewis Edward Kilmarx, and Karen Marie Kilmarx, Co-Personal Representative of the Estate of Lewis Edward Kilmax, as Defendants. The Co-Personal Representatives, Robert and Karen Kilmarx, will be referred to herein in a collective fashion as the "Co-Personal Representatives."

The parties agree that the Co-Personal Representatives should be dismissed from this litigation. Accordingly, it is hereby ORDERED as follows:

1. The Co-Personal Representatives, and all claims against the Kilmarx Estate, are hereby dismissed from this litigation, without prejudice.

2. Based upon the agreement of the remaining parties to this litigation, as evidenced by the signature of their counsel below, for purposes of evidentiary objections only, the Co-Personal Representatives shall continue to be treated as a parties (e.g., with respect to admissions by a party opponent).
3. Nothing in this Agreed Order shall release, diminish, or otherwise affect the liability of any other party.
4. This Agreed Order may be filed in the probate matter for the Estate of Lewis Edward Kilmarx that is pending in the Chancery Court for Robertson County, Tennessee, Case No. 03-20007, to evidence the resolution of all claims against the Co-Personal Representatives and the parties shall take such further steps as are necessary to allow the probate matter to be closed.

*gross EXPENSE*  
*William H. Lassiter, Jr.*  
**RESPECTFULLY SUBMITTED,**

**LASSITER, TIDWELL, DAVIS, KELLER & HOGAN, PLLC**

By: /s/ William H. Lassiter, Jr.  
William H. Lassiter, Jr., Esq. (BPR #002258)  
Clark H. Tidwell, Esq. (BPR #002280)  
John O. Belcher, Esq. (BPR #018335)  
150 Fourth Avenue North, Suite 1850  
Nashville TN 37219-2408  
(615) 259-9344 (office)  
(615) 242-4214 (fax)  
BLassiter@lassiterlaw.com  
CTidwell@lassiterlaw.com  
JBelcher@lassiterlaw.com  
*Attorneys for Defendant Louis Edward Kilmarx*